

**EXECUTIVE ORDERS, PROCLAMATIONS OF
GENERAL APPLICABILITY, AND STATEMENTS
ISSUED BY THE GOVERNOR
PURSUANT TO A.R.S. § 41-1013(B)(3)**

The Administrative Procedure Act (APA) requires the full-text publication of all Executive Orders and Proclamations of General Applicability issued by the Governor. In addition, the *Register* shall include each statement filed by the Governor in granting a commutation, pardon or reprieve, or stay or suspension of execution where a sentence of death is imposed. With the exception of egregious errors, content (including spelling, grammar, and punctuation) of these orders has been reproduced as submitted.

*** ARIZONA APPRENTICESHIP WEEK ***

[M12-467]

WHEREAS, the advancement and well-being of the United States of America depends upon the continued development of workers skilled in their chosen fields; and

WHEREAS, apprenticeship training programs fill this need by providing the means for the development of skilled workers and the cultivation of pride in workmanship; and

WHEREAS, the Arizona Apprenticeship Advisory Committee has taken the lead in advancing this program with the result of thousands of people who have been trained for skilled jobs through apprenticeship training.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim November 12 - 17, 2012 as

*** ARIZONA APPRENTICESHIP WEEK ***

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.

Janice K. Brewer
G O V E R N O R

DONE at the Capitol in Phoenix on this thirty-first day of October in the year Two Thousand and Twelve, and of the Independence of the United States of America the Two Hundred and Thirty-Seventh.

ATTEST:
Ken Bennett
Secretary of State

*** ARIZONA CAREERS IN ENERGY WEEK ***

[M12-482]

WHEREAS, energy is a fundamental part of our lives and supports the most basic daily tasks such as feeding our families, commuting to work, and cooling our homes; and

WHEREAS, energy sustains modern society's complex systems including patient care, air traffic control, and industrial processes; it generates commerce and fuels economic growth; and

WHEREAS, energy enriches many of the fun things in life – lights at the baseball field, air conditioning at the theater, rides at an amusement park; and

WHEREAS, following a powerful storm, restoring energy supplies is the first step to returning normalcy to our homes and communities; and

WHEREAS, energy related industries provide careers to tens of thousands of Arizonans including line workers, engineers, customer service representatives, accountants, chemists, environmentalists, power plant operators, and executives; and

WHEREAS, energy related industries need new workers to provide a bridge into the future, replacing retiring workers and maintaining a highly skilled and talented workforce to meet the new challenges of a growing economy; and

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WHEREAS, through strategic partnerships, the Arizona Energy Workforce Consortium strives to promote a unified and results oriented effort to ensure Arizonans find rewarding careers in energy so that Arizona can continue to grow in prosperity.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim October 14 – 21, 2012 as

*** ARIZONA CAREERS IN ENERGY WEEK ***

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.

Janice K. Brewer
G O V E R N O R

DONE at the Capitol in Phoenix on this ninth day of October in the year Two Thousand and Twelve, and of the Independence of the United States of America the Two Hundred and Thirty-Seventh.

ATTEST:
Ken Bennett
Secretary of State

*** ARIZONA VETERANS HALL OF FAME DAY ***

[M12-478]

WHEREAS, the veterans of the State of Arizona have sacrificed for their country and deserve our respect and admiration, especially those veterans who continue to contribute after they have taken off the uniform by living selfless lives in service to their community; and

WHEREAS, the Arizona Veterans Hall of Fame was created by the United Arizona Veterans to honor and celebrate the lives of these men and women who have sacrificed in the past and continue to serve for the betterment of their communities; and

WHEREAS, the 2012 class of the Arizona Veterans Hall of Fame is being inducted in a special ceremony on October 26, 2012 in Phoenix, Arizona; and

WHEREAS, on this day, 18 veterans will join those honored veterans who have previously been inducted into the Arizona Veterans Hall of Fame; and

WHEREAS, on this day, we shall pay tribute to these exceptional individuals by inducting them into the Arizona Veterans Hall of Fame with special speakers, presentations, displays, and festivities.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim October 26, 2012 as

*** ARIZONA VETERANS HALL OF FAME DAY ***

in honor of the 2012 class of the Arizona Veterans Hall of Fame.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.

Janice K. Brewer
G O V E R N O R

DONE at the Capitol in Phoenix on this tenth day of October in the year Two Thousand and Twelve, and of the Independence of the United States of America the Two Hundred and Thirty-Seventh.

ATTEST:
Ken Bennett
Secretary of State

*** COPD AWARENESS MONTH ***

[M12-465]

WHEREAS, Chronic Obstructive Pulmonary Disease (COPD), also known as chronic bronchitis and emphysema, is the fourth leading cause of death in the United States and is the only one of the top five causes of death whose prevalence and death rate is rising; and

WHEREAS, Chronic Obstructive Pulmonary Disease is a chronic and progressive disease that affects over 24 million individuals in the United States, half of whom have not been properly diagnosed; and

WHEREAS, a diagnostic test for COPD, known as spirometry is available for office use, allowing early diagnosis of COPD yet many patients suffering with COPD are not diagnosed until they have reached an advanced stage of COPD; and

WHEREAS, the major risk factor for COPD is smoking. Other risk factors include environmental exposure to air pollution, industrial irritants and burned biomass fuels; and

WHEREAS, COPD can also result from genetic conditions, such as Alpha-1 Antitrypsin Deficiency; and

WHEREAS, COPD is considered to be the second leading cause of disability in the nation, costing the nation in 2010 an estimated \$49.9 billion; and

WHEREAS, increased public awareness, early detection, and treatment are crucial in the prevention or slowing the progression of lung disease and can lead to reduced costs and better quality of life for our residents.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim November 2012 as

*** COPD AWARENESS MONTH ***

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.

Janice K. Brewer
G O V E R N O R

DONE at the Capitol in Phoenix on this thirtieth day of October in the year Two Thousand and Twelve, and of the Independence of the United States of America the Two Hundred and Thirty-Seventh.

ATTEST:
Ken Bennett
Secretary of State

*** ELEVATOR AND ESCALATOR SAFETY AWARENESS WEEK ***

[M12-466]

WHEREAS, the elevator industry greatly contributes to the quality of life for the citizens of Arizona; and

WHEREAS, November 11th through November 17th has been declared National Elevator and Escalator Safety Awareness Week; and

WHEREAS, the purpose of this week is to increase public awareness in the safe and proper use of elevators, escalators and moving walkways, helping reduce avoidable accidents with the goal of reducing preventable accidents; and

WHEREAS, this endeavor is worthy of support and cooperation to benefit citizens, the general public and the short range vertical transportation industry.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim November 11 – 17, 2012 as

*** ELEVATOR AND ESCALATOR SAFETY AWARENESS WEEK ***

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IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.

Janice K. Brewer
G O V E R N O R

DONE at the Capitol in Phoenix on this twenty-second day of October in the year Two Thousand and Twelve, and of the Independence of the United States of America the Two Hundred and Thirty-Seventh.

ATTEST:
Ken Bennett
Secretary of State

*** INTERNATIONAL EDUCATION WEEK ***

[M12-464]

WHEREAS, building and strengthening mutual understanding with our neighbors around the globe is important for peace and prosperity; and

WHEREAS, educating international students is an important way to impart cross-cultural understanding and to create a network of partners throughout the world; and

WHEREAS, several thousand international students from more than 100 countries are now studying in Arizona, and more than 1,000 Arizona students will study and volunteer abroad this year; and

WHEREAS, institutions of higher education in Arizona participate in a wide variety of exchange programs with similar institutions around the world, offering world-class opportunities for international education; and

WHEREAS, international education effectively trains and educates students for the globally competitive demands of the 21st century; and

WHEREAS, International Education Week was established as a joint initiative of the U.S. Department of State and the U.S. Department of Education as a way to promote international understanding in the United States and abroad; and

WHEREAS, during International Education Week, institutions of higher education will participate in activities celebrating and recognizing the importance of international education.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim November 12 – 16, 2012 as

*** INTERNATIONAL EDUCATION WEEK ***

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.

Janice K. Brewer
G O V E R N O R

DONE at the Capitol in Phoenix on this thirtieth day of October in the year Two Thousand and Twelve, and of the Independence of the United States of America the Two Hundred and Thirty-Seventh.

ATTEST:
Ken Bennett
Secretary of State

*** LIGHTS ON AFTERSCHOOL DAY ***

[M12-481]

WHEREAS, quality afterschool programs provide safe and fun learning environments to help children and youth develop their social, emotional, physical, and academic skills; and

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WHEREAS, afterschool programs contribute to stronger communities by involving parents, business leaders, and adult volunteers in the lives of our young people, thereby promoting positive relationships among children, youth, families, and adults; and

WHEREAS, more than 15 million children across the country are left home alone after school; and

WHEREAS, *Lights on Afterschool*, a national celebration of afterschool programs, promotes the importance of quality afterschool programs in the lives of children and youth, their families and their communities.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim October 18, 2012 as

*** LIGHTS ON AFTERSCHOOL DAY ***

and encourage Arizonans to engage in activities that ensure the lights stay on and the doors stay open for Arizona children after school.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.

Janice K. Brewer
G O V E R N O R

DONE at the Capitol in Phoenix on this ninth day of October in the Year Two Thousand and Twelve and of the Independence of the United States of America the Two Hundred and Thirty-Seventh.

ATTEST:
Ken Bennett
Secretary of State

*** NASCAR WEEK ***

[M12-479]

WHEREAS, Phoenix International Raceway (PIR) is the only NASCAR facility in the Western United States to host two Sprint Cup Series annually; and

WHEREAS, with its two annual NASCAR weekends, PIR generates more than \$400 million in economic impact for the State of Arizona; and

WHEREAS, NASCAR has created a motor sports and entertainment haven for residents of Arizona and the Southwestern United States; and

WHEREAS, hundreds of thousands of guests will attend each NASCAR event weekend, and millions of television viewers will tune in from across the country to take in views of Arizona's sun-splashed landscape and dramatic racing action from PIR; and

WHEREAS, legends in the sport of NASCAR have visited Victory Land at PIR, including Dale Earnhardt, Dale Earnhardt Jr., Rusty Wallace, Jeff Gordon, Jimmie Johnson and Tony Stewart; and

WHEREAS, PIR will host the semi-final race in the Chase for the NASCAR Sprint Cup on Veterans Day, November 11, 2012.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim November 5 – 11, 2012 as

*** NASCAR WEEK ***

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.

Janice K. Brewer
G O V E R N O R

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DONE at the Capitol in Phoenix on this tenth day of October in the year Two Thousand and Twelve, and of the Independence of the United States of America the Two Hundred and Thirty-Seventh.

ATTEST:
Ken Bennett
Secretary of State

*** NET CANCER AWARENESS DAY ***

[M12-463]

WHEREAS, neuroendocrine tumors (NETs) often develop into cancer and if left untreated, can result in serious illness and death; and

WHEREAS, too often healthcare professionals underestimate the malignant and metastatic potential of NETs; and

WHEREAS, NET Cancer patients are often misdiagnosed or receive a delayed diagnosis, which can have a negative impact on their chance of survival and quality of life; and

WHEREAS, survival for NET Cancer patients is further compromised by fragmented care and lack of access to treatment by specialists; and

WHEREAS, although there have been advances in the detection and treatment of NET cancers, not all patients are benefiting quickly enough from scientific and medical progress in the field; and

WHEREAS, with timely diagnosis and proper treatment, NET Cancer patients can have significantly improved outcomes and quality of life.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim November 10, 2012 as

*** NET CANCER AWARENESS DAY ***

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.

Janice K. Brewer
G O V E R N O R

DONE at the Capitol in Phoenix on this thirtieth day of October in the Year Two Thousand Twelve and of the Independence of the United States of America the Two Hundred and Thirty-Seventh.

ATTEST:
Ken Bennett
Secretary of State

*** SCHOOL PSYCHOLOGY AWARENESS WEEK ***

[M12-462]

WHEREAS, all children and youth can learn with the proper support and deserve an education that meets their individual needs; and

WHEREAS, children's mental health is directly linked to their learning and development; and

WHEREAS, school psychologists facilitate collaboration, help parents and educators identify and reduce risk factors, create effective and caring schools, access needed community resources, and implement effective prevention and intervention strategies; and

WHEREAS, school psychologists are trained to assess barriers to learning, utilize data-based decision making, evaluate outcomes, and improve accountability; and

WHEREAS, school psychologists play an important role in the personal and academic development of the children of Ari-

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zona.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim November 12 – 16, 2012 as

*** SCHOOL PSYCHOLOGY AWARENESS WEEK ***

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.

Janice K. Brewer
G O V E R N O R

DONE at the Capitol in Phoenix on this thirtieth day of October in the year Two Thousand and Twelve, and of the Independence of the United States of America the Two Hundred and Thirty-Seventh.

ATTEST:
Ken Bennett
Secretary of State

*** SILVESTRE S. HERRERA DAY ***

[M12-468]

WHEREAS, Silvestre S. Herrera is recognized for outstanding service to this country and for his sacrifice and courage under fire, as well as his patriotism and service to the great State of Arizona; and

WHEREAS, on August 23, 1945, Private First Class Silvestre S. Herrera of the U.S. Army Company E, 142nd Infantry Division, was awarded the Congressional Medal of Honor, making him the first soldier from Arizona to receive this most prestigious medal during World War II; and

WHEREAS, one year after receiving the Congressional Medal of Honor, Silvestre S. Herrera was awarded the Primera Merito Militar from the nation of his birth. Mexico took the unprecedented step of awarding him its highest award for valor, making him the only person in the world authorized to wear both the Congressional Medal of Honor and the Primera Merito Militar; and

WHEREAS, Silvestre S. Herrera lived his life as a humble man of distinction, proud of his heritage and his U.S. citizenship. His service remains a shining example of a dedicated American and a true hero.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim November 10, 2012 as

*** SILVESTRE S. HERRERA DAY ***

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.

Janice K. Brewer
G O V E R N O R

DONE at the Capitol in Phoenix on this thirty-first day of October in the year Two Thousand and Twelve, and of the Independence of the United States of America the Two Hundred and Thirty-Seventh.

ATTEST:
Ken Bennett
Secretary of State

*** 30TH ANNIVERSARY OF AHCCCS ***

[M12-480]

WHEREAS, in 1982, the State of Arizona established the Arizona Health Care Cost Containment System (AHCCCS); and

WHEREAS, State leaders had the foresight and ingenuity to create a new model for Medicaid, predicated on managed care and based on principles of competition, choice and appropriate medical management; and

WHEREAS, the State was able to collaboratively work with the Reagan Administration to establish the appropriate flexibility necessary through a Section 1115 demonstration waiver to establish the AHCCCS; and

WHEREAS, AHCCCS provides critical coverage to some of society's most frail members including the elderly and individuals with physical or development disabilities at risk of institutionalization, as well as children with special needs, members with serious mental illness and children in foster care; and

WHEREAS, AHCCCS provides coverage to 2 million different Arizonans over the course of a year; and

WHEREAS, AHCCCS is a prime example of a successful public-private partnership, leveraging private sector expertise to ensure high-quality delivery of health care to members; and

WHEREAS, during the past 30 years, the AHCCCS program has extensive documented success including achieving savings of over one billion dollars during the first decade of the program; a Gold Standard rating in Medicaid Managed Care; an eligibility error rate of 1.1 percent versus the national average of 6.7 percent; the lowest cost for prescription drugs of any Medicaid program nationally; among the highest rates nationally of serving individuals at risk of institutionalization at home or in the community (over 84 percent) instead of placing this population in costlier institutional care; a #1 ranking for services provided to members with developmental disabilities; a designation as a model program for members that are eligible for both Medicare and Medicaid, and one that results in lower costs and better outcomes; among the lowest-cost Medicaid programs in the United States; and a model program integrity process for date of death; and

WHEREAS, regardless of one's ideology or philosophical beliefs regarding public programs, all Arizonans should take pride knowing Arizona has created an effective, efficient, outcomes-based, national model in AHCCCS.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby recognize the

*** 30TH ANNIVERSARY OF AHCCCS ***

and offer my sincere appreciation to the AHCCCS staff and alumni for 30 years of dedication and service to the State of Arizona.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.

Janice K. Brewer
G O V E R N O R

DONE at the Capitol in Phoenix on this tenth day of October in the year Two Thousand and Twelve, and of the Independence of the United States of America the Two Hundred and Thirty-Seventh.

ATTEST:
Ken Bennett
Secretary of State

EXECUTIVE ORDER 2012-03

State Regulatory Review, Moratorium and Streamlining To Promote Job Creation and Retention

Editor's Note: This Executive Order is being reproduced in each issue of the Administrative Register until its expiration on December 31, 2014, as a notice to the public regarding state agencies' rulemaking activities.

[M12-226]

WHEREAS, my first official action as Governor was to institute a regulatory rule making review and moratorium process ("regulatory review and moratorium") in order to prevent any additional burdens on Arizona's private sector employers and political subdivisions; and

WHEREAS, this rule making review and moratorium process has continued by session law or executive order to this day; and

WHEREAS, a predictable regulatory climate in this State will promote job creation and retention; and

WHEREAS, Arizona's efforts are being rewarded, such as being ranked as one of the top ten best states for business in a survey of chief executive officers this year, the eighth best for job growth in the last year, and the top state for innovators starting new business; and

WHEREAS, last January, I determined that State agencies needed to quicken the pace on streamlining existing rules and reducing wasted time in regulatory processes to increase Arizona's economic competitiveness and job creation, while still protecting public health, safety and the environment; and

WHEREAS, the 50th Legislature passed and I signed into law House Bill 2744 (2012 Arizona Laws, Chapter 352) which permits a state agency to conduct expedited rulemaking to streamline existing rules; and

WHEREAS, this expedited rulemaking authority will be used, in part, by State agencies to implement the "lean" waste reduction initiative I announced last January to increase the efficiency and service quality of State agencies; and

WHEREAS, I encourage the general public and regulated community to bring forward ideas to State agencies and the Governor's Regulatory Review Council on what rules need to be streamlined and how that can be best achieved while still protecting public health, safety and the environment; and

WHEREAS, the current regulatory review and moratorium expires on June 30, 2012.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, by virtue of the authority vested in me by the Constitution and laws of this State hereby declare the following:

1. A state agency, subject to this Order pursuant to Paragraph 4, shall not conduct any rule making except as permitted by this Order. The objective of this Order is to eliminate any unnecessary increased monetary or regulatory costs on employers, persons, individuals, other state agencies, or political subdivisions of this State. This prohibition includes any informal rule making prior to the commencement of the formal rule making process.
2. Paragraph 1 does not apply to state agency rule making for any one or more of the following reasons:
 - a. To fulfill an objective related to job creation in this State.
 - b. To lessen or ease a regulatory burden while achieving the same regulatory objective.
 - c. To prevent a significant threat to the public health, peace or safety.
 - d. To avoid a violation of a court order or federal law that would result in sanctions by a court or federal government against an agency for failure to conduct the rulemaking action.
 - e. To comply with a federal statutory or regulatory requirement or a state statutory requirement if the applicable statute or regulation contains a date certain for compliance on or before December 31, 2014 or is necessary under subparagraph (c) of this paragraph.
 - f. To fulfill an obligation related to fees or any other action necessary to implement the state budget that is certified by the Governor's Office of Strategic Planning and Budgeting.
 - g. To promulgate a rule or other item that is exempt from Title 41, Chapter 6, Arizona Revised Statutes, pursuant to section 41-1005, Arizona Revised Statutes.
 - h. To address matters pertaining to the control, mitigation or eradication of waste, fraud or abuse within a state agency or wasteful, fraudulent or abusive activities perpetrated against a state agency.
3. A state agency, subject to this Order pursuant to Paragraph 4, shall not conduct any informal or formal rule making pursuant to Paragraph 2 or otherwise without the prior written approval of the Office of the Governor.
4. This order applies to all state agencies, except for: (a) any state agency that is headed by a single elected state official, (b) the Corporation Commission, or (c) any state agency whose agency head is not appointed by the Governor.
5. All state officials and state agencies that are not subject to this Order pursuant to Paragraph 4 are encouraged to participate voluntarily within the context of their own rule making process.
6. State agencies may continue a rule making that was authorized by the Office of the Governor on or after January 22, 2009. All state agencies, subject to this Order pursuant to Paragraph 4, shall report to the office of the Governor by July 31, 2012 all pending and anticipated rule making requests. Beginning fiscal year 2013 all state agencies shall submit to the Office of the Governor by the end of each fiscal year an annual report of all pending and anticipated rule making to Office of the Governor.
7. This Order does not confer any legal rights upon any persons and shall not be used as a basis for legal challenges to

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- rules, approvals, permits, licenses or other actions or to any inaction of a state agency.
8. For the purposes of this executive order, "person," "rule" and "rule making" have the same meanings prescribed in section 41-1001, Arizona Revised Statutes.
 9. This Executive Order expires on December 31, 2014.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.

Janice K. Brewer
G O V E R N O R

DONE at the Capitol in Phoenix, Arizona this 26th day of June in the year Two Thousand Twelve and of the Independence of the United States of America the Two Hundred and Thirty-sixth.

ATTEST:
Ken Bennett
Secretary of State